



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5 / Election
5-13-03
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In re Application of:
FREDERICK N. HAUSE
JEFFREY C. HAINES
MICHAEL E. EXTERKAMP

Serial No.: 10/023,347 /

Filed: December 17, 2001

For: METHOD OF FORMING AN
ALIGNMENT MARK ON A WAFER,
AND A WAFER COMPRISING SAME

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§ Examiner: Laura M. Schillinger
§
§ Group Art Unit: 2813
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§ Att'y Docket: 2000.031300/TT0618
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**RESPONSE TO RESTRICTION
REQUIREMENT DATED APRIL 25, 2003**

Commissioner for Patents
P.O. Box 1454
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 5th day of May, 2003.

Mary Paul

Signature

This paper is submitted in response to the Restriction Requirement dated April 25, 2003, for which the one-month date for response is May 25, 2003.

In response to the restriction requirement which the Examiner imposed, Applicants elect, with traverse, to prosecute claims 1-31, *i.e.*, the Group I claims.

In the Office Action, the Examiner identified three "species" with respect to the Group I claims. It is respectfully submitted that the Examiner's identification of the "species" is improper. The relationship between the identified "species" relates to the breadth of the claimed invention. For example, with respect to the independent claims, claim 13 is narrower than claim 1 in certain material aspects and claim 23 is narrower than claim 13 in certain material aspects. A

genus-species relationship is simply not present in claims 1-31. Withdrawal of the requirement to elect between the identified "species" is respectfully requested.

To the extent the Examiner does not withdraw the requirement to elect among various "species," Applicants elect to prosecute claims 1-12, with traverse. Moreover, this election is made without prejudice of asserting in the prosecution of this application that the species identification was improper.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Assistant Commissioner is authorized to deduct said fees from Advanced Micro Devices, Inc. Deposit Account No. 01-0365/TT3618. In the event the monies in that account are insufficient, the Assistant Commissioner is authorized to withdraw funds from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2000.031300.

The Examiner is invited to contact the undersigned attorney at (713) 934-4055 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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ATTORNEY FOR APPLICANTS

Date: May 5, 2003



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